



**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
13347US02

In re Application of: Whittingham et al.

Application No. 09/986,226

Filed: October 22, 2001

For: RATIOUG ALGORITHM FOR A LABEL PRINTING SYSTEM USING PLATES

The owner\*, Paxar Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 09/965,359, filed on 9/27/2001, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 30,171

07/11/2006 FMEBK11 00000016 130017 09986226

01 FC:1814

130.00 DA

 July 6, 2006  
Signature Date

Jean Dudek Kuelper

Typed or printed name

312-775-8000

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<p><b>FEES</b> Pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818).</p> <p style="font-size: 2em; font-weight: bold;">FEE TRANSMITTAL</p> <p style="font-size: 1.5em; font-weight: bold;">for FY 2006</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>		<p><b>Complete If Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>09/986,226</td> </tr> <tr> <td>Filing Date</td> <td>October 22, 2001</td> </tr> <tr> <td>First Named Inventor</td> <td>Whittingham et al.</td> </tr> <tr> <td>Examiner Name</td> <td>L. Evanisko</td> </tr> <tr> <td>Art Unit</td> <td>2622</td> </tr> <tr> <td>Attorney Docket No.</td> <td>13347US02</td> </tr> </table>		Application Number	09/986,226	Filing Date	October 22, 2001	First Named Inventor	Whittingham et al.	Examiner Name	L. Evanisko	Art Unit	2622	Attorney Docket No.	13347US02							
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<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 130.00																						
<b>METHOD OF PAYMENT</b> (check all that apply)																						
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____																						
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>13-0017</u> Deposit Account Name: <u>McAndrews Held &amp; Malloy</u>																						
For the above-identified deposit account, the Director is hereby authorized to (check all that apply)																						
<input checked="" type="checkbox"/> Charge Fee(s) indicated below <input type="checkbox"/> Charge Fee(s) indicated below, except for the filing fee																						
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fees(s) <input checked="" type="checkbox"/> Credit any overpayments under 37 CFR 1.16 and 1.17																						
<b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																						
<b>FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)</b>																						
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>																						
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)															
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)																
Utility	300	150	500	250	200	100																
Design	200	100	100	50	130	65																
Plant	200	100	300	150	160	80																
Reissue	300	150	500	250	600	300																
Provisional	200	100	0	0	0	0																
							<b>Small Entity</b>															
							<b>Fee(\$)</b>															
							<b>Fee(\$)</b>															
Each claim over 20 (including Reissues)							50															
Each independent claim over 3 (including Reissues)							200															
Multiple dependent claims							360															
<table style="width: 100%;"> <tr> <td style="width: 33%;"><b>Total Claims</b></td> <td style="width: 33%;"><b>Extra Claims</b></td> <td style="width: 33%;"><b>Fee(\$)</b></td> <td style="width: 33%;"><b>Fee Paid (\$)</b></td> </tr> <tr> <td>_____ -20 or HP</td> <td>_____ x _____</td> <td>= _____</td> <td></td> </tr> </table>							<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee(\$)</b>	<b>Fee Paid (\$)</b>	_____ -20 or HP	_____ x _____	= _____		<table style="width: 100%;"> <tr> <td style="width: 33%;"><b>Multiple Dependent Claims</b></td> <td style="width: 33%;"><b>Fee</b></td> <td style="width: 33%;"><b>Fee Paid (\$)</b></td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> </tr> </table>		<b>Multiple Dependent Claims</b>	<b>Fee</b>	<b>Fee Paid (\$)</b>	_____	_____	_____
<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee(\$)</b>	<b>Fee Paid (\$)</b>																			
_____ -20 or HP	_____ x _____	= _____																				
<b>Multiple Dependent Claims</b>	<b>Fee</b>	<b>Fee Paid (\$)</b>																				
_____	_____	_____																				
HP = highest number of total claims paid for, if greater than 20																						
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_____ -3 or HP	_____ x _____	= _____																				
HP = highest number of independent claims paid for, if greater than 3																						
<b>3. APPLICATION SIZE FEE</b>																						
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).																						
<table style="width: 100%;"> <tr> <td style="width: 25%;"><b>Total Sheets</b></td> <td style="width: 25%;"><b>Extra Sheets</b></td> <td style="width: 25%;"><b>Number of each additional 50 or fraction thereof</b></td> <td style="width: 25%;"><b>Fee(\$)</b></td> <td style="width: 25%;"><b>Fee Paid(\$)</b></td> </tr> <tr> <td>_____ -100</td> <td>_____ /50</td> <td>_____ (round up to a whole number)</td> <td>x _____</td> <td>= _____</td> </tr> </table>								<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee(\$)</b>	<b>Fee Paid(\$)</b>	_____ -100	_____ /50	_____ (round up to a whole number)	x _____	= _____					
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee(\$)</b>	<b>Fee Paid(\$)</b>																		
_____ -100	_____ /50	_____ (round up to a whole number)	x _____	= _____																		
<b>4. OTHER FEE(S)</b>																						
Non-English Specification, \$130 fee (no small entity discount)							_____															
Other (e.g., late filing surcharge): <u>Terminal Disclaimer Fee</u>							\$130.00															
<b>SUBMITTED BY</b>																						
Signature <u>Jean D. Kuelper</u>		Registration No. (Attorney/Agent) <u>30,171</u>		Telephone <u>(312)775-8000</u>																		
Name (print/type) <u>Jean D. Kuelper</u>				Date <u>July 6, 2006</u>																		